

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4250 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

D M DESAI

Versus

BANK OF BARODA

Appearance:

MR MTM HAKIM for Petitioner

MR DARSHAN M PARIKH for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/11/1999

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. The petitioner, an officer of respondent-bank in this petition challenges the order of the respondent for not placing him at his choice place after his return from Inspection Section to Operation side of the bank. This has been happened in the year 1992. The petitioner has

come up before this Court and interim relief has been granted and by virtue of that interim relief he continued at the place of his choice. After 7 years otherwise also the petitioner legitimately could not have claimed of his continuation at that place. Be that as it may.

#. On 1/11/99, the petitioner has given a notice for his voluntarily retirement. The period of notice is 90 days. In view of this fact learned counsel for the petitioner submits that during this period the petitioner may not disturb from his present place of posting. Shri Parikh, learned counsel for the respondent has failed to show any objection in case the petitioner continues at his place of posting during notice period. However, he submits that in case the petitioner withdraws his notice of voluntary retirement or in case where this voluntary retirement is not accepted by bank this court may make it clear that in that eventuality the bank shall be free to transfer the petitioner as per rules and regulations of the bank. I find sufficient justification in this contention of the learned counsel for the respondents.

In the result, this Special Civil application and rule stand disposed of in terms that during notice period of the voluntary retirement given by the petitioner, the petitioner may not be disturbed from his present place of posting by the respondents. However, where the petitioner withdraws this notice or the bank does not accept his request for voluntary retirement the respondents shall be free to transfer the petitioner as per the rules and regulations of the bank.

(S.K.Keshote, J.)

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